

PS/CD

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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CHRISTOPHER A. SNELL, 1142668,

Petitioner,

16-CV-122V  
ORDER

v.

ERIC SCHNEIDERMAN, Attorney General,

BILL HARRIS, Warden, FRDC,

Respondents.

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Petitioner Christopher A. Snell, an inmate of the Fulton Reception and Diagnostic Center in Fulton, Missouri, acting *pro se*, seeks relief under 28 U.S.C. § 2254 and alleges that his conviction in Steuben County Court, State of New York, was unconstitutionally obtained, as detailed more precisely in his Petition for Writ of Habeas Corpus. See Docket Item 1. The petitioner has paid the \$5.00 filing fee.

Accordingly, IT HEREBY IS ORDERED as follows:

1. The respondents shall file and serve an answer to the petition, in accordance with Rule 5 of the Rules Governing Section 2254 Cases in the United States District Courts ("Section 2254 Rules"), no later than **ninety days** after entry of this Order. The answer shall state whether a trial or any pre-trial or post-trial evidentiary proceeding was conducted. If any such proceeding was conducted, the respondents shall provide to the Court the transcript of the proceeding, along with any records of,

and documents relating to, such proceeding, and those documents shall be filed in the official record of this case. See Section 2254 Rule 5(c).

The respondents also shall file and serve, within **ninety days**, a memorandum of law addressing each of the issues raised in the petition and including citations to relevant supporting authority.

Within **thirty days** of the date this Order is served upon the custodian of the records, the Clerk of Court or any other official with custody of the records of the proceedings in Steuben County Court shall submit those records to the respondents or to the respondents' duly authorized representatives.

If the petitioner appealed from the judgment of conviction or from an adverse judgment or order in a post-conviction proceeding, the respondents shall provide to the Court a copy of the briefs and record on appeal and the opinions of the appellate courts, if any, and those documents shall be filed in the official record of this case. See Section 2254 Rule 5(d).

The petitioner shall file a written response to the respondents' answer and memorandum of law within **thirty days** of receiving the answer.

Within **thirty days** of the date this Order is filed with the Clerk of Court, the respondents may file a motion for a more definite statement or a motion to dismiss the petition, accompanied by appropriate exhibits demonstrating that an answer to the petition is unnecessary. The timely filing of such a motion shall extend the time for filing an answer for **fourteen days**, but the failure of the Court to act upon the motion within that time shall not further extend the time for filing an answer.

2. The Clerk of Court shall serve a copy of the Petition for Writ of Habeas Corpus, together with a copy of this Order, electronically via a Notice of Electronic Filing to Alyson Gill, at [Alyson.Gill@ag.ny.gov](mailto:Alyson.Gill@ag.ny.gov), and to Arlene Roces, at [Arlene.Roces@ag.ny.gov](mailto:Arlene.Roces@ag.ny.gov), of the Office of the Attorney General, Federal Habeas Unit.

**THE PETITIONER SHALL FORWARD A COPY OF ALL FUTURE PAPERS AND CORRESPONDENCE TO THE ATTORNEY APPEARING FOR THE RESPONDENTS.**

SO ORDERED.

**s/ Lawrence J. Vilardo**  
UNITED STATES DISTRICT JUDGE

DATED: February 26, 2016  
Buffalo, NY